

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HEATHER JEAN ROSCOE, )  
                          )  
Plaintiff,             ) Civil Action No. 06-1393  
                          )  
v.                      ) Judge McVerry  
                          ) Magistrate Judge Caiazza  
TIM WOLFE, et al.,    )  
                          )  
Defendants.           )

**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Heather Jean Roscoe commenced this action on October 19, 2006. She alleges that the Defendants, who are all state parole officers, violated her civil rights. To date, none of the named Defendants has been served with the Complaint. Recognizing that service had not been effectuated, this Court entered an order on March 6, 2007, directing the Plaintiff to show cause on or before March 21, 2007, why the Defendants had not been served, and why this case should not be dismissed. (Doc. 5). No response was filed with respect to the court's order.

Under Federal Rule of Civil Procedure 4(m), service must be made upon a Defendant within 120 days after the filing of a Complaint. The Complaint in this action was filed on October 25, 2006, and no Defendant has been served to date. Because of the Plaintiff's failure to effectuate service, this case should be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

In accordance with the Magistrate's Act, 28 U.S.C. § 636  
(b) (1) (B) and (C), and Rule 72.1.4 (B) of the Local Rules for  
Magistrates, objections to this Report and Recommendation are due  
by April 16, 2007.

March 29, 2007

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Francis X. Caiazza  
United States Magistrate Judge

cc:  
Heather Jean Roscoe  
774 Montclair Street  
Pittsburgh, PA 15217